

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NY 10007

NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

(212) 805-0194

June 25, 2024

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**Re: Morgan v. City of New York**  
**23 Civ. 1079 (NRB)**

Dear Counsel:

The Court is in receipt of your various letters regarding the confidentiality of the body-camera video footage of the events surrounding Mr. Nieves's death, ECF Nos. 45-46, 61-62, as well as the video footage itself, which was provided to the Court pursuant to its request to review said footage in camera.

We recognize that the Confidentiality Order (the "Order") places the burden on the producing party to demonstrate the propriety of designating material as confidential. See ECF No. 17 ¶ 8. It is further clear under the Order that the receiving party may challenge the confidentiality designation. See id. ¶ 9. Given that the City has cited viable reasons for maintaining the confidentiality of the video footage, both in terms of privacy and security concerns, the Court declines to reject the City's confidentiality designation in the absence of a showing by plaintiffs of a need to utilize these videos outside of the ongoing litigation itself. In that regard, we note that the Order does not in any way inhibit plaintiffs from using discoverable material, including the videos, within the context of the litigation.

Very truly yours,



Naomi Reice Buchwald  
United States District Judge